

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Plaintiff,

vs.

EXOTICS.COM, INC., L. REX ANDERSEN,  
MARLIN R. BRINSKY, DANIEL G. CHAPMAN,  
STEPHEN P. CORSO, JR., BARRY F. DUGGAN,  
JAMES L. ERICKSTEEN, SEAN P. FLANAGAN,  
FIROZ JINNAH, INGO W. MUELLER, BRIAN K.  
RABINOVITZ, EDWARD JAMES WEXLER,  
GARY THOMAS a/k/a GARY THOMAS  
VOJTESAK,

Defendants.

Case No. 2:05-cv-00531-PMP-GWF

**ORDER**

Memorandum of Costs (#402)

This matter comes before the Court on Plaintiff United States Securities and Exchange Commission's ("SEC") Memorandum of Costs (#402), filed on March 12, 2013. On February 5, 2013, this Court ordered Defendant Thomas ("Thomas") to appear for a judgment debtor examination on March 8, 2013. *See Order, Doc. #390*. On March 6, 2013, Thomas filed an Emergency Motion to Quash (#395). On March 6, 2013, SEC filed a Response (#396) to the Emergency Motion to Quash. Thomas failed to attend the judgment debtor examination on March 8, 2013. Thomas's Motion to Quash was subsequently denied. *See March 11, 2013 Order, Doc. #401*.

On March 11, 2013, this Court issued an Order (#401) awarding SEC its reasonable expenses incurred as a result of Thomas's failure to appear for the examination. The Court instructed SEC's counsel to file and serve a memorandum of costs within 14 days. The Court

1 further advised that Thomas's counsel may file a response as to the reasonableness of the costs  
2 within 14 days after service of the memorandum. SEC's counsel filed and served the Memorandum  
3 of Costs on March 12, 2013. However, Thomas's counsel did not file a response.

4 On March 25, 2013, Thomas filed an Objection (#404) to the March 11, 2013 Order (#401).  
5 SEC filed a Response (#405) to Defendant's Objections on April 1, 2013, and Thomas filed his  
6 Reply (#406) on April 3, 2013. On May 29, 2013, the District Court affirmed this Court's March  
7 11, 2013 Order. *See Order, Doc. #416.*

8 The expenses claimed in SEC's Memorandum of Costs (#402) are limited to airfare in the  
9 amount of \$1,591.20, hotel accommodation in the amount of \$650.88, and a rental car in the  
10 amount of \$109.81. The Court finds that these expenses are reasonable. Furthermore, under Local  
11 Rule 7-2(d), the failure of an opposing party to file points and authorities in response to any motion  
12 shall constitute a consent to the granting of the motion. The time to file a response to the  
13 Memorandum of Costs has expired, and no opposition has been filed. Accordingly,

14 **IT IS HEREBY ORDERED** that Thomas shall pay SEC attorneys' fees in the amount of  
15 **\$2,351.89** within 14 days of the date of this Order.

16 DATED this 31st day of May, 2013.

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18 GEORGE FOLEY, JR.  
19 United States Magistrate Judge  
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